

## **REMARKS/ARGUMENTS**

By this Amendment, claims 12, 17, 20, and 21 are amended; and claims 23-26 are added. Following entry of this Amendment, there will be fifteen (15) pending claims, of which one is independent (claim 12). For any fees that are deemed necessary following submittal of this Amendment, the undersigned hereby authorizes such fees to be charged to our deposit account, Deposit Account No. 061910.

### **Information Disclosure Statements**

Applicant notes that certain foreign references disclosed in Information Disclosure Statements (IDSs) filed on August 4, 2006 and on March 22, 2007 in the application were not considered. In particular, foreign references IT UD 960 073 A1, DE 197 16 913 A1, WO 02/100462 A, and WO 99/18528 A were lined out on the IDSs. Applicant respectfully thanks Examiner for taking the time to discuss this with Applicant's representative via phone conference. During the discussion, Applicant's representative noted that after a review of the prior submittals (both in Applicant's case file and from what is provided on PAIR), only one of the foreign references, IT UD 960 073 A1, had been submitted without an English-language translation of Abstract. Accordingly, such translation for that foreign reference is being submitted conjointly with this Amendment in an Information Disclosure Statement for Examiner's consideration. Regarding the other foreign references, Applicant respectfully requests their consideration by the Examiner and further respectfully requests correction of their corresponding line-outs in the prior IDSs with the next correspondence issued in the application.

### **Objections to the Specification**

In the Office Action, the disclosure is objected to because of reference made to the claims in certain paragraphs on page 2. These paragraphs are hereby edited, removing such references. In addition, adjustment of the application has been requested to include appropriate titles for the differing sections of the specification. The specification is hereby adjusted, with appropriate titles being added therein. In light of the above, Applicant respectfully requests withdrawal of the corresponding objections to the specification.

### **Objections to the Claims**

In the Office Action, claims 12-22 are objected to because of certain informalities. In particular, Examiner explains that the word “comprise” on line 20 of claim 12 should instead be “comprises” and that the phrase “the cell code is independent of the level in which the cell is located” on line 8 of claim 12 should be amended to read “the cell code is independent of the level on which the cell which it identifies is located.” In addition, Examiner explains the feature “bag identification means” on line 18 of claim 12 lacks antecedent basis. Claim 12 is hereby accordingly amended, adding Examiner’s suggested language and including antecedent basis for “bag identification means.” Accordingly, Applicant respectfully requests withdrawal of the corresponding objections to claims 12-22.

Claim 12 has been further amended to address optional features of the “cell identification means” and the “movement system,” with respect to them being “bar codes” and “capable of rotating,” respectively. In particular, these features are hereby removed from claim 12 and added to dependent claims 23 and 24, respectively.

### **Claim Rejections under 35 U.S.C § 112**

In the Office Action, claims 12-22 are rejected under 35 U.S.C. 112, second paragraph, for indefiniteness. In particular, claim 12 is rejected for lacking clarity with regard to the term “it” on line 20 of the claim. Examiner explained that he examined claim 12 based on the interpretation that “it” is in reference to the apparatus, which is a correct reading. Accordingly, claim 12 has been amended with the term “it” being replaced with “the apparatus.” Therefore, Applicant respectfully requests withdrawal of the corresponding rejections of claims 12-17, 19, 20, and 22.

Claims 18 and 21 are also rejected under the same section for being indefinite. Examiner explains is it unclear how components of the claims can be independent yet interconnected with the processing system. In particular, claim 18 requires a sub-system for thermal control, where the sub-system is independent of, but in communication with, the processing system. Regarding claim 21, it requires a communication module capable of communicating with a management program, where the communication module is independent of, yet capable of being actuated by, a control program. Applicant understands Examiner’s view regarding this rejection; however, Applicant respectfully disagrees.

When two components are independent of each other, yet in communication with each other or where one is capable of being actuated by the other, the skilled artisan would appreciate such independence being reflective of their physical independence from each other, while such communication or actuation being reflective of the electrical connections there between. Such a relationship between the components of claims 18 and 21 is hereby provided by adding the term “physically” prior to “independent” in the claims. Accordingly, Applicant believes the indefiniteness of the claims has been overcome with no new matter being added to the application. Therefore, Applicant respectfully requests withdrawal of the corresponding rejections of claims 18 and 21.

#### **Claim Rejections under 35 U.S.C § 103(a)**

In the Office Action, claims 12-22 are rejected under 35 U.S.C. 103(a) for obviousness. In particular, claims 12-14 and 17-19 are rejected as being unpatentable over Scheuer (German Publication No. DE 44 18 005 A1) (“Scheuer”) in view of Strackbein et al. (U.S. Pat. No. 6,109,053) (“Strackbein”) and claims 1, 16, and 20-22 are rejected as being unpatentable over Scheuer and Strackbein in view of Sharood et al. (U.S. Pat. No. 6,453,689) (“Sharood”).

Following a review of the cited references, Applicant believes that, even when combined, the references fail to solve, much less address, the technical problem (set out in the present application) of providing an apparatus for receiving, preserving and supplying blood bags, as is required by claim 12. Accordingly, at least for these reasons, Applicant respectfully traverses the standing 103(a) rejections.

#### **Response to Rejections**

Regarding Scheuer (the primary reference of the 103(a) combination), it teaches an apparatus for long time storage of frozen blood products, e.g. plasma, immediately after the blood product has been drawn from a donor and frozen, and before the blood product is accepted and maintained for a quarantine (6 to 9 months). Thereinafter, the blood product is classified and then considered ready for use. As such, Scheuer seems to relate to the problem of stocking frozen blood products in a safe and readily identifiable manner before steps are taken to assess their properties and use possibilities.

On the contrary, the present application is related to an apparatus for receiving, preserving and supplying blood bags (and not bags of plasma) after the blood has been already accepted, classified and is ready for use. This concept is gathered from claim 12, which requires both “a reading device for reading bag identification means” and “at least one reading device for reading cell identification means.” These elements were required in claim 12 during its examination and remain unchanged in claim 12, as now amended. In this manner, the apparatus according these embodiments of the invention is safe and reliable. Looking to Scheuer, it fails to teach both of such reading devices.

In the rejection on page 8 of the Action, it is indicated that Scheuer teaches at least one reading device for reading cell identification means. In particular, it is indicated that the reader in Scheuer is the device for reading the cell identification means. However, this does not appear to be the case. The reader 7 mentioned in Scheuer is described as a device for reading only the bag identification means. To that end, a device for reading the cell identification means is neither taught nor suggested in Scheuer.

In addition, claim 12 also requires the features of “at least one corresponding movement member for said reading device for reading cell identification means” and “said device and said member being housed inside the refrigerated space.” Looking to Scheuer, these features are neither disclosed nor even remotely suggested in its teaching.

Further on page 8 of the Action, it is indicated as being obvious to modify Scheuer with the separate machinery compartment of Strackbein. In Strackbein, a modular casing structure is disclosed, but such structure lacks any motorized mechanical device and only an air conditioner is mentioned. Accordingly, Strackbein teaches a fairly noncomplex apparatus. To that end, it is difficult to imagine how the skilled artisan would be able to rely on Strackbein for any teaching or suggesting of which of many devices would be advantageously put in the refrigerated space of a fairly complex apparatus for receiving, preserving and supplying bags of blood, and which would not. In the present application, the movement system, the cooling system and the processing system are inside the machine space separated from the refrigerated space, but the movement member for the cell identification mean reading device and the corresponding reading device are housed inside the refrigerated space. Such a regimented arrangement fails to be suggested, much less taught by Strackbein.

In reviewing the other cited art from Examiner's 35 U.S.C. 103(a) rejections, Sharood does not seem to address the above-described deficiencies with respect to Scheuer and Strackbein. Sharood is cited for its resumed teachings of using wireless connection components and communications systems. Accordingly, even in view of Sharood, it is asserted that Scheuer and Strackbein would still fail to teach or suggest the combination of features required in claim 12.

Therefore, at least for the reasons provided above, Applicant respectfully asserts that independent claim 12 is allowable over the cited references.

Applicant asserts that upon entry of this Amendment, the claims are hereby in condition for allowance. In particular, the allowance of amended claim 12 thereby renders claims 13-26 also allowable. Favorable consideration and prompt allowance of the application are respectfully requested.

### **Conclusion**

Applicant believes that no new matter will be introduced by entry of these amendments and that the amendments are fully supported by the specification and application as a whole.

In light of the above, Applicant respectfully submits that the present rejections should be withdrawn and prompt allowance of this application is respectfully requested. If the Examiner feels that prosecution of the present application can be materially advanced by a telephonic interview, the undersigned would welcome a call at the number listed below.

Respectfully submitted,



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